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20 **Fire Insurance Company of Pittsburgh, Pa.,**
21 **and Chartis Inc.**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHOOK & WALLER
CONSTRUCTION, INC.

Plaintiffs,

v.

NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, PA, *et al.*

Defendants.

Case No. 12-cv-06148-RS

Hon. Richard Seeborg

~~STIPULATION AND PROPOSED~~
ORDER TO CONTINUE (1)
DEFENDANTS NATIONAL UNION
FIRE INSURANCE COMPANY OF
PITTSBURGH, PA. AND CHARTIS
INC.'S MOTION TO STAY
PROCEEDINGS AND/OR DISMISS
COMPLAINT (DOCKET NO. 33) AND
THE CORRESPONDING BRIEFING
DEADLINES; (2) THE HEARING ON
PLAINTIFF'S MOTION TO REMAND
(DOCKET NO. 25); AND (3) FRCP
RULE 16 CASE MANAGEMENT
CONFERENCE TO PERMIT
FURTHER SETTLEMENT
DISCUSSIONS

IT IS STIPULATED BY AND BETWEEN THE PARTIES THAT:

1. WHEREAS, Defendants National Union Fire Insurance Company of Pittsburgh, Pa. (“National Union”) and Chartis Inc. (the “AIG Defendants”) have filed a motion for an order to stay and/or dismiss the complaint (the “Complaint”) which is set for hearing on April 25, 2013 (Docket No. 33);

2. WHEREAS, Plaintiff Shook & Waller has filed a motion to remand which has been fully briefed and is set for hearing on April 25, 2012 (Docket No. 25);

3. WHEREAS, the parties have agreed that to avoid unnecessary litigation costs and the waste of judicial resources, it is desirous to continue the Case Management Conference and the accompanying FRCP Rule 26(f) deadlines to the first day (21) days after the date the motions are set for hearing, as the motions could obviate the need for any such conference or to the next most convenient date for the court, as well as all dates related thereto;

4. WHEREAS, the Plaintiff and AIG Defendants have agreed to continue the April 25, 2013 hearing on the motion to stay/dismiss (docket No. 33) thirty days, as well as the related opposition and filing deadlines, so that resources can be put toward settlement rather than litigation fees;

5. WHEREAS, all of the parties have agreed to continue the fully briefed motion to remand (docket No. 25) so that its hearing coincides with the motion to stay/dismiss;

IT IS HEREBY STIPULATED AND AGREED by these Parties that they jointly request the Court continue the hearing and filing deadlines as follows, or to the next most convenient date for the court:

Motion to Stay/Dismiss- Docket No. 33

Hearing Date Continued to: May 30, 2013 at 1:30 p.m. in Courtroom 3

Opposition Deadline: 21 Days before Hearing Date (May 9, 2013)

Reply Deadline: 14 Days before Hearing Date (May 16, 2013)

Motion to Remand- Docket No. 25 (already fully briefed)

Hearing Date Continued to: May 30, 2013 at 1:30 p.m. in Courtroom 3

Case Management Conference

The Case Management Conference and the accompanying FRCP Rule 26(f) deadlines to the first day (21) days from the May 30, 2013 hearing to **June 20, 2013 at 10:00 a.m.** or to the next most convenient date for the court.

Dated: March 25, 2013

SIDLEY AUSTIN LLP

By: /s/ Nicholas P. Crowell
Nicholas P. Crowell

Attorneys for Defendants National Union
Fire Ins. Co. of Pittsburgh, Pa., and Chartis
Inc.

Dated: March 25, 2013

ROXBOROUGH, POMERANCE, NYE &
ADREANI LLP

By: /s/ John W. Hurney
John W. Hurney

Attorneys for Plaintiff Shook & Waller
Construction, Inc.

Dated: March 25, 2013

SEVERSON & WERSON APC

By: /s/ Susan M. Keeney
Susan M. Keeney

Attorneys for Defendant Wells Fargo
Insurance Services USA, INC.

IT IS SO ORDERED:**Motion to Stay/Dismiss- Docket No. 33**

The hearing on the motion of Defendants National Union Fire Insurance Company of Pittsburgh, Pa. (“National Union”) and Chartis Inc. (the “AIG Defendants”) for an order to stay and/or dismiss the complaint (Docket No. 33), which is set for hearing on April 25, 2013, is continued by stipulation of the parties to May 30, 2013 [~~or _____, 2013~~] at 1:30 p.m. in Courtroom 3 on the 17th Floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco. The corresponding deadlines for the opposition and reply are continued and linked to the new hearing date, such that the opposition to the motion is due twenty-one (21) days before the hearing date and the reply brief is due fourteen (14) days before the hearing date.

Motion to Remand- Docket No. 25 (already fully briefed)

The hearing on the motion of Plaintiffs to remand Docket No. 25), which is already fully briefed, is continued by stipulation of the parties to be heard concurrent with the motion to Stay/Dismiss.

Case Management Conference

The Case Management Conference is continued to June 20, 2013 [~~or _____, 2013~~] at 10:00 a.m. in Courtroom 3 on the 17th Floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco. The accompanying deadlines set by FRCP Rule 26(f) are continued and now correspond to this case management date. The parties shall file a Joint Case Management Statement at least one week prior to the Conference. See Standing Order Re: Initial Case Management (available at <http://www.cand.uscourts.gov/pages/424>). Parties or counsel may appear personally or file a request to appear by telephone. If any party files such a request, the Case Management Conference shall be moved to 11:00 a.m.

1 All parties shall appear telephonically and must contact Court Conference at
2 866/582-6878 at least one week prior to the Conference.

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4 Dated: 3/26/13



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6 THE HON. RICHARD SEEBORG
7 UNITED STATES DISTRICT JUDGE
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